THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18374 OF 2006

04.9.2006

Between:

Sarva Siddhi Uma Maheswara Rao, S/o.Dharma Rao

… Petitioner

AND

The Secretary to Government of Andhra Pradesh,
Revenue Department, Secretariat, Hyderabad
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18374 OF 2006

ORDER:

The petitioner filed the instant writ petition seeking a Writ of Mandamus to declare the notification issued by the Government vide G.O.Ms.No.585, dated 04.05.2005, under Section 22-A of the Registration Act, 1908 as amended by Registration (A.P.Amendment) Act, 1999, as unconstitutional and ultra vires. The petitioner also seeks a consequential direction to respondents to register and release the documents presented by them in respect of land admeasuring 394 Sq.yards covered by survey No.56/2 and 57/2 situated at Pothina Mallayyapalem village of Chinagadili Mandal in Visakhapatnam District.

In **State of Rajasthan v Basant Nahata**[1]**,** the Supreme Court struck down the provision in Registration Act as amended by the State of Rajasthan as *ultra vires.* Following the same, a Division Bench of this Court in its Judgment, dated 07.12.2005 in W.P.No.14099 of 2003 and batch struck down Section 22-A of the Registration Act as applicable in State of Andhra Pradesh. It is also brought to the notice of this Court that Special Leave Petition filed by the State Government against the said judgment was also dismissed by the Supreme Court on 11.8.2006. Therefore, the impugned order cannot be sustained.

Following the judgment of Division Bench, this writ petition is disposed of, and the impugned notification in G.O.Ms.No.585 is set aside. As and when the sale deeds are presented by the petitioner, the Registering Authority shall accept the same for registration and if for any reasons, the same cannot be registered, record the reasons.

The writ petition, subject to the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

September 04, 2006
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[1] (2005) 12 SCC 77 = 2005 AIR SCW 4456